

ARGUMENTS/REMARKS

Claims 1, 4 through 21, 23 and 24 are pending in the present application. Claims 1, 4, 18, 19, and 21 have been amended. Claims 3 and 22 have been canceled.

Applicants sincerely appreciate the indication of allowable subject matter with regard to claims 17 and 20.

In the Office Action, claim 21 was rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 has been amended to depend on claim 20 rather than claim 19. Accordingly, claim 21 now finds antecedent support in claim 20. Reconsideration and withdrawal of the 35 U.S.C. 112, second paragraph, rejection are respectfully requested.

In the Office Action, claims 1, 8 through 11, 15, 19 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by Fowler et al. (hereinafter "the Fowler et al. patent"). Applicant respectfully disagrees.

Independent claim 1 is directed to a bed having a frame and a mattress support. The mattress support is suspended from the frame by a plurality of elastic supports and is capable of swaying freely relative to the frame in at least one lateral direction. The bed further has elastic restraining means for damping the lateral sway of the mattress support in the at least one direction.

The Fowler et al. patent is directed to a spring bed bottoms having a frame A that supports cantilevered pins or nails B from which springs C are suspended. Springs C are attached to flat cross-bars D that support longitudinally oriented slats E and laterally oriented short bars F that have cut outs a to prevent lateral and endwise movement of slat sections E and F. (Column 2, first full paragraph). By preventing lateral and endwise movement, there is only up and down movement that is permitted by the arrangement.

The Fowler et al patent has short bars F that are cut out at their sides to accommodate springs C. The Fowler patent expressly states that this construction "serves to prevent both lateral and endwise movement of the slat sections". (Column 2, first full paragraph).

Further, the Fowler et al. patent states that "there is no friction between ends of the independent slat-sections E F and the adjacent end wall of the bedstead or berth, so that there is complete freedom of movement up and down without creaking or other disagreeable sounds that would result from the contact of the parts" (Columns 2, second paragraph, lines 3 through 9). This quote indicates that there is no touching of slats E and short bars F with bedframe A. Thus there can be no "elastic restraining means for damping the lateral sway of the mattress support in the at least one direction, as claimed. The lateral movement of slates E and short bars F and cross bars D is eliminated.

Accordingly, the Fowler et al. patent is structured to both eliminate lateral and endwise movement of the slat sections and to eliminate friction between ends of the slat sections and the adjacent endwall and the bedstead. Accordingly, the Fowler et al. patent does not disclose a structure that is capable of swaying freely relative to the frame in at least one lateral direction or disclose any elastic restraining means for damping any sway of the mattress support in the at least one direction, as claimed. The Fowler et al. patent indeed discloses structure, specifically springs and cutouts that would prevent any such movement. The Fowler et al. patent does not anticipate claim 1 or any of the claims that depend therefrom.

Independent claim 23 is directed to a bed having a frame and a mattress support. The mattress support is suspended from the frame by a plurality of elastic supports, and further having lateral movement constraints. The Fowler et al. patent incorporates springs C that suspend bed support. The springs of the Fowler et al patent are not elastic supports as claimed in the instant invention. The springs of the Fowler et al. patent do not provide a progressive response to stretching but rather a linear response which is less desirable for a bed support.

As discussed above, the Fowler et al. patent also does not anticipate this claim because the Fowler et al. patent neither provides for a bed nor any lateral movement restraints, as claimed.

Independent claim 24 is directed to a bed having a frame and a mattress support. The mattress support is suspended from the frame by a plurality of elastic supports; and further has lateral movement restraints and upward movement restraints.

The Fowler et al. patent also does not anticipate this claims for the reasons set forth above. Additionally, the Fowler et al. patent expressly does not disclose any upward movement restrains. Indeed, the Fowler et al. patent states that "there is no friction between ends of the independent slat-sections E F and the adjacent end wall of the bedstead or berth, so that there is complete freedom of movement up and down without creaking or other disagreeable sounds that would result from the contact of the parts" (Columns 2, second paragraph, lines 3 through 9).

The Office Action states that claims 1, 3, 4, 8 through 11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 676,544 to Martin. Applicant respectfully disagrees.

The Martin patent is directed to a bed having a series of suspension springs B' around its periphery, auxiliary springs B² near the upper head portion, and spiral springs A⁶ to support the head and foot boards. Springs A⁵ prevent recoil when an individual leaves the surface. The structure of the Martin patent will not permit "swaying freely relative to the frame in at least one lateral direction", as claimed. The Martin patent does not anticipate claim 1 or the claims that depend therefrom. Please note that claim 3 has been canceled by the instant response.

In the Office Action, claims 1, 3, 4 9 through 11, 15, 16, 18, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,419,778 to Griffith (hereinafter "the Griffith patent"). Applicant respectfully

disagrees.

The Griffith patent is directed to a suspension system for a bed 10 that has a double U-shaped configuration with springs 18. Lateral stabilizer springs 19a, 19b and 35a and 35b provide further restrictive movement to bed. The structure of the Griffith patent will not permit "swaying freely relative to the frame in at least one lateral direction", as claimed. Springs 18 and lateral stabilizer springs 19a, 19b and 35a, 35b prevent such movement. The Griffith patent does not anticipate claim 1 or the claims that depend therefrom. Please note that claim 3 has been canceled by the instant present response.

In the Office Action, claims 1, 3, 5 through 12, 15, 16, 18, 19, 21, 23 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,231,304 to Coup (hereinafter "the Coup patent"). Applicant respectfully disagrees.

The Coup patent is directed to a truck cabin bin having rubber bands beneath the bed to guide rollers 30 in tracks 31 to compensate for movement of the truck. The bed of the Coup patent is contained in a restricted space behind the seats and is clearly not capable of lateral motion, as claimed. Further, there is not any disclosure in the Coup patent of means that are provided for damping lateral sway. Therefore, the Coup patent also does not anticipate claim 1 and any of the claims that depend therefrom.

Regarding claims 23 and 24, they are also not anticipated by the Coup patent because any bed-like structure is not suspended from the frame because any springs are beneath the structure.

Reconsideration and withdrawal of all 35 U.S.C.102(b) rejections with respect to the Fowler patent, Martin patent, Griffith patent, and the Coup patent are respectfully requested.

The cited patents referenced in the Office Action, either alone or in combination would neither anticipate or make obvious the claimed subject matter.

Consideration and allowance of application is respectfully requested.

Respectfully submitted,

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Date

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